May 2000

PROPOSED AMENDMENTS TO 310 CMR 7.02, 7.03, 7.04, 7.05, 7.06, 7.12, 7.18 and 7.19
AIR POLLUTION CONTROL REGULATIONS

It is proposed to amend **310 CMR 7.00** *by* ***adding*** *the following definitions of terms:*

ACTUAL EMISSIONS means the rate that an emission unit or facility discharges air contaminants into the ambient air. This can be calculated on a daily, weekly, monthly, ozone season, 12-month rolling or calendar year basis as determined by the requirements of a plan approval or regulation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period including the efficiency of pollution control equipment if present.

ALTER OR ALTERATION means any physical change or change in the method of operation (including modification or reconfiguration of an emissions unit, change in the raw material used or change in the operating rate) which would result in an increase in potential emissions or an increase in ambient air impacts (i.e., reduced stack height).

CAPTURE EFFICIENCY means the ability of a building, enclosure or system to capture air contaminants within the building or enclosure before the air contaminants are directed to an air pollution control device. Capture efficiency is determined in accordance with EPA Reference Test Method Number 204.

COMPLIANCE CERTIFICATION MEANS a statement detailing all applicable air pollution control regulations and plan approval requirements and the compliance status of the emission unit or facility in regards to each applicable requirement, signed by a responsible official of the facility as being complete, accurate and true to the best knowledge of the signatory.

CONSTRUCT OR CONSTRUCTION means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in an increase in potential emissions.

EMISSION STATEMENT is a certification submitted by the owner or operator of a facility that describes the actual annual emissions of VOC and/or NOx from the facility as well as the average Ozone Season daily emissions from the facility.

FERROUS CUPOLA FOUNDRY means a vertical cylindrical furnace using pig iron, scrap iron, scrap steel and coke as charging components. Ferrous Cupola Foundries can be separated into “Jobbing” Foundries and “Production” foundries. Jobbing foundries run intermittently for just long enough at one time to pour the molds that are ready on the foundry floor on a job-by-job basis. Production foundries will melt metal continuously and pour to a succession of molds that are constantly being prepared to receive the flow of molten iron.

FUGITIVE EMISSIONS means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

HAZARDOUS AIR POLLUTANT (HAP) means an air contaminant designated by EPA under 42 U.S.C. 7401 s 112. That list is incorporated by reference herein, together with all amendments and supplements thereto. A copy of the list is available from the Department.

LOWEST ACHIEVABLE EMISSION RATE (LAER) means, for any source, the more stringent rate of emissions based on the following:
(a) The most stringent emissions limitation which is contained in any state SIP for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable; or
(b) The most stringent emissions limitation which is achieved in practice by such class or category of stationary source. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within a stationary source.
In no event shall LAER allow a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable pursuant to applicable New Source Performance Standards of 40 CFR Part 60.

MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY means the standard established by EPA Administrator pursuant to Section 112 of the Clean Air Act Amendment of 1990 that represents the maximum degree of reduction in emissions of hazardous air pollutants determined, after examination of economics, health, and environmental impacts, to be achievable for new or existing sources in the category or sub-category to which the emission standard applies. MACT Standards are published in 40 CFR, Part 63.

MAXIMUM DESIGN CAPACITY means the rated design capacity, operating rate or production rate of an emission unit as determined by the manufacturer of that unit or other method approved by the Department.

MW means megawatt or a unit of electrical power equal to one million watts.

NATURAL DRAFT OPENING means any permanent opening in an enclosure that remains open during operation of the emission unit and is not connected to a duct in which a fan is installed.

NONATTAINMENT REVIEW is plan review for major sources and major modifications as defined and described in 310 CMR 7.00, Appendix A.

NON-CRITERIA POLLUTANT is any air contaminant that is not listed as a criteria pollutant.

It is proposed to amend **310 CMR 7.00** *by* ***amending*** *the following definitions of terms:*

EMERGENCY OR STANDBY ENGINE for the purposes of ~~310 CMR 7.02(14) and 7.03(7)~~ 310 CMR 7.02(8)(i) and 7.03(10), means any stationary internal combustion engine which operates as an emergency or standby mechanical or electrical power source. A load shaving unit, peaking power production unit or a standby engine in an energy assistance program is not an emergency or standby engine under this definition.

EXISTING FACILITY for the purposes of ~~310 CMR 7.02(5), (6), (7), (8), (9), (10) and (11)~~ 310 CMR 7.02(8) means any facility that is in operation on or before June 1, 1972, or any proposed facility of which the construction, substantial reconstruction or alteration of which has been approved in writing by the Department on or before June 1, 1972. All facilities as specified in the Federal Register, Volume 36, No. 247, December 23, 1971, the construction or modification of which was initiated after August 17, 1971 shall not be defined as existing facilities.

FEDERALLY ENFORCEABLE means all limitations and conditions which are enforceable by the Administrator, including but not limited to, those requirements developed pursuant to 40 CFR Part 60 (New Source Performance Standards), 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants), 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories), 40 CFR Parts 72 through 80 (Acid Rain Program) and requirements within the Massachusetts State Implementation Plan. Federally enforceable requirements also include those requirements in operating permits issued either pursuant to 40 CFR part 71 or under 310 CMR 7.00: Appendix C, (except those listed as state enforceable only) any permit requirements established pursuant to 40 CFR 52.21 (Prevention of Significant Deterioration of air quality), under plan approval requirements in either ~~310 CMR 7.02(2)~~ 310 CMR 7.02 or 310 CMR 7.00 Appendix A. Federally enforceable limitations and conditions can also be contained in either a permit restriction issued under 310 CMR 7.02~~(12)~~ (9), 7.02 (10), 7.02(11) or equipment installed under 310 CMR 7.03, that has been made federally enforceable after EPA has approved 310 CMR 7.02~~(12)~~ and 7.03 into the Massachusetts SIP.

POTENTIAL EMISSIONS or POTENTIAL TO EMIT means the maximum capacity of a facility or a stationary source to emit any air contaminant or pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or stationary source to emit any air contaminant or pollutant, including air pollution control equipment and/or restrictions on hours of operation, or on the type or amount of material combusted, stored or processed, shall be treated as part of the design only if the limitation is specifically stated in the facility's or stationary source's plan approval(s), or in the case of de minimis sources, in records established and maintained at the facility or stationary source pursuant to ~~310 CMR 7.02(4)(a)~~ 310 CMR 7.02(2)(e). Fugitive emissions, to the extent quantifiable, are included in determining the potential emissions or the potential to emit of a facility or stationary source; secondary emissions are not included.

*It is proposed to amend 310 CMR 7.00 by **deleting** the following definition:*

~~COMPLEX for the purpose of 310 CMR 7.12 is defined as any facility characterized by one or more of the following:~~

~~- located in the Merrimack Valley Air Pollution Control District and has an energy input capacity rated by the Department of 100,000,000 or greater Btu per hour and burns a fuel having a sulfur content in excess of 0.55 pounds per million Btu heat release potential; or~~

~~- located in the Metropolitan Boston Air Pollution Control District and burns a fuel having a sulfur content in excess of 0.55 pounds per million Btu heat release potential, or if located in Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Everett, Malden, Medford, Newton, Somerville, Waltham, and Watertown and burns a fuel having a sulfur content in excess of 0.28 pounds per million Btu heat release potential; or~~

~~- located in the Pioneer Valley Air Pollution Control District, Central Massachusetts Air Pollution Control District or the Southeastern Massachusetts Air Pollution Control District and burns a fuel having a sulfur content in excess of 0.55 pounds per million Btu heat release potential; or~~

~~- has 50 emission points or more; or~~

~~- is subject to 310 CMR 7.18 and has not achieved full compliance with the regulatory emission limitation specified in 310 CMR 7.18, for such facilities; or~~

~~- operates with an alternative emission limitation (RACT) determined under 310 CMR 7.18(14)(b)5., (15)(b)5. or (16)(b)5.; or~~

~~- operates with an alternative emission limitation under 310 CMR 7.00: Appendix B (Bubble); or~~

~~- is required to monitor ambient air as a condition of a permit approval; or~~

~~- operates under a variance granted pursuant to 310 CMR 7.50; or~~

~~- burns a fuel other than natural gas, distillate or residual fuel oil; or~~

~~- operates subject to Federal New Source Performance Standard or National Emission Standard for Hazardous Air Pollutants.~~

*It is proposed to amend **310 CMR 7.02 U Plan Approval and Emission Limitations** by replacing 310 CMR 7.02(1) through 310 CMR 7.02(11) with the following:*

7.02 U Plan Approval and Emission Limitations

(1) Purpose and Applicability

(a) Purpose

The purpose of 310 CMR 7.02 is to provide procedures and standards for the issuance of approvals in the Commonwealth of Massachusetts, and establish emission standards and/or restrictions for a facility or emission unit.

(b) Plan Approvals to Construct, Substantially Reconstruct or Alter

A plan approval is required prior to any construction, substantial reconstruction, alteration, or subsequent operation of a facility that may emit contaminants to the ambient air. The plan approval requirement of this regulation is applicable to facilities constructed, reconstructed or altered after July 1, 1970 in the Metropolitan Boston Air Pollution Control District and after September 15, 1970 in all other districts. Exemptions to this requirement are provided in 310 CMR 7.02(2).

Plan approvals are briefly described in Table 1. The information provided here is a summary only. For the full text of applicability and restrictions under each plan approval type, please see the appropriate section.

Table 1

Plan Approval Type	Where approval is sought for:	Reference
Limit Plan Application (LPA)	1. Facility or emission unit with the potential to emit greater than 1 ton per year and less than 5 tons per year. 2. Fuel utilization emission units (evaluated individually) 10,000,000 - 40,000,000 Btu/hr energy input burning natural gas or propane. 10,000,000 - 30,000,000 Btu/hr energy input burning distillate oil. 10,000,000 - 20,000,000 Btu/hr energy input burning 0.5% sulfur residual oil. 5,000,000 - 10,000,000 Btu/hr energy input burning 1 % sulfur residual oil. 3,000,000 - 10,000,000 Btu/hr energy input burning used oil fuel. 3. Changes that contradict an existing plan approval, with a potential emission increase less than 5 tons per year.	310 CMR 7.02(4)
Comprehensive Plan Application (CPA)	1. Facility or emission unit with the potential to emit greater than or equal to 5 tons per year. 2. Fuel utilization emission units (evaluated Individually) greater than 40,000,000 Btu/hr energy input burning natural gas	310 CMR 7.02(5)

	or propane. greater than 30,000,000 Btu/hr energy input burning distillate oil. greater than 20,000,000 Btu/hr energy input burning 0.5% sulfur residual oil. greater than 10,000,000 Btu/hr energy input burning 1 % sulfur residual oil. greater than 10,000,000 Btu/hr energy input burning used oil fuel. greater than 3,000,000 Btu/hr energy input burning residual oil with a sulfur content greater than 1%, hazardous waste fuel, solid fuel (automatic feed), landfill gas or digester gas. 3. Combustion turbines or reciprocating engines greater than 3,000,000 Btu/hr energy input. 4. Hand fired solid fuel units greater than 10,000,000 Btu/hr energy input. 5. Any incinerator. 6. Any action or new major facility subject to federal Prevention of Significant Deterioration (PSD) or Non-attainment Review. 7. Changes that contradict an existing plan approval , with a potential emission increase of 5 tons per year or more. 8. Any facility where the sum of *de minimis* unapproved equipment installations equals or exceeds 5 tons per year. 9. Any facility where construction, substantial reconstruction or alteration may contradict a condition of a plan approval, PSD permit or Non-attainment Review plan approval. 10. Any facility that the Department determines has the potential to cause or contribute to a condition of air pollution. ALSO SEE 310 CMR 7.02(6)- Aggregated Emissions and 310 CMR 7.02(7) Mitigation of Air Pollution.

(c) Restricting or Capping Potential Emissions

Approvals for the purpose of restricting federal potential emissions for equipment are briefly described in Table 2. The information provided here is a summary only. For the full text of applicability and restrictions for each approval type, please see the appropriate section.

Table 2

Plan Approval Type	Purpose	Reference
Restricted Emission Status (RES)	Approval to establish a federally enforceable cap on emissions, without which the facility would be subject to Reasonably Available Control Technology (RACT) , Operating Permit Requirements, Maximum Achievable Control Technology (MACT) or higher annual compliance fees.	310 CMR 7.02(9)

Modifications of Restricted Emission Status Approval	Modification of a previously approved RES.	310 CMR 7.02(10)
Emission Cap Notification	Alternative approach to establish an enforceable cap on emissions.	310 CMR 7.02 (11)

(d) Determining Plan Approval Applicability

For the portion of the facility or emission unit that is proposed to be constructed, substantially reconstructed or altered and subsequently operated, the need for a plan approval is determined by comparing the maximum design capacity of the proposed equipment or the potential to emit to the plan approval thresholds.

(e) Department Participation

In approving or denying an application for plan approval, the Department shall limit its action to matters that may cause or contribute to a condition of air pollution.

(2) Exemptions from Plan Approval

(a) Exclusions from Exemptions

The exemptions listed under 310 CMR 7.02(2)(b) are not available if construction, substantial reconstruction, or alteration of an otherwise exempt emission unit or facility would contravene an existing plan approval; cause increases in aggregate emissions above thresholds defined by 310 CMR 7.02(6); are specifically included in 310 CMR 7.02(4) or 310 CMR 7.02(5); or would cause or contribute to a condition of air pollution under 310 CMR 7.02(7).

(b) Exemptions

Construction, substantial reconstruction or alteration of a facility or emission unit is exempt from the requirement to obtain a plan approval if it qualifies as one or more of the following:

1. Air Pollution Control Equipment

An air pollution control device, excluding oxidizers or afterburners, added to any facility currently in compliance with the provisions of 310 CMR 7.02. This exemption is only available where the air pollution control equipment is not otherwise required by regulation, the air pollution control equipment does not increase the potential emissions of any single criteria pollutant or any single non-criteria pollutant by one ton or more, and the air pollution control equipment does not replace an existing air pollution control device required by plan approval or regulation . Persons installing air pollution control equipment as allowed by this exemption shall notify the Department, within 60 days of installation, that air pollution control equipment has been installed.

2. Air Pollution Control Equipment for Control of Particulate

Replacement of an existing air pollution control device for particulate matter (i.e., baghouse), even if required by a previous plan approval. The replacement device shall be similar in design as the existing control device, and the same size or larger than the original control device. The replacement control device must be designed to achieve the same or better collection efficiency as the original

control device. The Department must be notified, in writing, that a particulate air pollution control device is going to be replaced. This notification must be made at least 30 days prior to installation of the new unit. Said notification shall include a full description of the replacement control device.

3. Battery Charging
Battery charging facilities used to charge lead acid batteries.

4. Burner Replacement
A fuel utilization facility burner replacement for the same fuel, where the new burners are of equal or less capacity than the replaced burners. This exemption is limited to fuel utilization facilities with a maximum heat input of less than or equal to 100,000,000 Btu per hour energy input. This exemption is also limited to burner replacements where the new burner is at least 50%, and no more than 100%, of the original burner fuel input rate.

5. Burner Tip Replacement
A fuel utilization facility burner tip replacement.

6. Cooling Towers
A cooling tower that has maximum recirculation rate of 20,000 gallons per minute (gpm) or less, a drift eliminator, a non-chromium inhibitor, and has total dissolved solids concentration in the blowdown less that 1800 mg/l. The total dissolved solids concentration shall be determined using Part 2540C as published in the latest edition of "Standard Methods For the Examination of Water and Wastewater" as published by the *American Public Health Association*, *American Waterworks Association and Water Pollution Control Federation* or by an equivalent method approved by the Department.

7. *De minimis* Increase in Emissions- Criteria Pollutants
Construction, substantial reconstruction, or alteration that results in an increase in potential emissions of less than one ton of any criteria air contaminant, calculated over any 12 consecutive month time period. In order to determine eligibility under this exemption, emissions must be calculated in accordance with 310 CMR 7.02(2)(d).

8. *De minimis* Increase in Emissions: Non-criteria Pollutants
Construction, substantial reconstruction, or alteration that results in an increase in potential emissions of less than one ton of any single non-criteria air contaminant calculated over any 12 consecutive month time period. In order to determine eligibility under this exemption, emissions must be calculated in accordance with 310 CMR 7.02(2)(d).

9. Emergency Engines or Stand-by Engines
An individual emergency or stand-by engine that operates in compliance with the provisions of 310 CMR 7.02(8)(k) if installed prior to June 1, 1990 or is in compliance with 310 CMR 7.03 for units installed on or after June 1, 1990. Emergency or stand-by engines that have received plan approval must comply with the terms and conditions of the plan approval.

10. Emergency Release Containment
An area constructed for the containment of unplanned releases.

11. Fire Suppression Systems
Fire protection, fire fighting and fire suppression system, except for those fire suppression systems and activities associated with the intentional combustion of materials for the purpose of fire suppression system evaluation or fire science research.

12. Fuel and Chemical Storage Tanks
Organic liquid storage tanks with a capacity less than or equal to 40,000 gallons and used exclusively to store product with a vapor pressure of less than 1.5 psi at the average annual ambient temperature. Storage tanks subject to this exemption must be equipped with conservation vents and aboveground units shall have a white or reflective surface. [Organic liquid storage tanks may be subject to 40 CFR Part 60, subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for which construction, substantial reconstruction, or modification commenced after July 23, 1984.]

13. Fuel Atomization Equipment
Fuel utilization facility burner atomization equipment replacement or repair. Replacement of steam or air atomization with mechanical atomization is not eligible under this exemption.

14. Fuel Loading Racks
Organic liquid transfer racks that transfer less than 172,000 gallons per year of organic liquids or organic liquid transfer racks that transfer exclusively organic liquids with a vapor pressure of less than 1.5 psi at the average ambient annual temperature. Transfer racks eligible under this exemption must comply with the requirements of 310 CMR 7.24, as applicable.

15. Fuel Switching
Conversion of a fuel utilization facility rated at a maximum heat input capacity of less than 100,000,000 Btu per hour energy input where the unit is converted from oil or solid fuel to oil/natural gas dual-fuel capability or natural gas as the only fuel. For purposes of this exemption, a fuel utilization facility is defined as any single boiler, hot oil generator, melt furnace, process heater, oven or similar fuel burning unit as determined by the Department.

16. Fuel Utilization Facilities
Any fuel utilization facility, excluding internal combustion engines such as combustion turbines or reciprocating engines, where the individual fuel utilization emission unit being constructed, substantially reconstructed or altered has a maximum energy input capacity less than:

a. 10,000,000 Btu per hour utilizing natural gas or propane.
b. 10,000,000 Btu per hour utilizing distillate fuel oil.

c. 10,000,000 Btu per hour utilizing residual fuel oil with a sulfur content of not more than 0.28 pounds per million Btu heat release potential (approximately 0.5% sulfur by weight) *(Also see 310 CMR 7.05(1) and (2)).*

d. 5,000,000 Btu per hour utilizing residual fuel oil having a sulfur content of not more than 0.55 pounds per million Btu heat release potential (approximately equal to 1% sulfur by weight) *(Also see 310 CMR 7.05(1) and (2)).*

e. 3,000,000 Btu per hour utilizing solid fuel with automatic fuel feed.

f. 3,000,000 Btu per hour utilizing digester gas.

g. 1,000,000 Btu per hour utilizing hand-fired solid fuel.

NOTE: Multiple fuel utilization emission units installed at a single facility must be evaluated for aggregate emissions to ensure that 310 CMR 7.00, Appendix A is not triggered.

17. Insignificant Activities

An activity listed in 310 CMR 7.00, Appendix C (5)(i), as well as office equipment, static electricity reduction devices, electric arcs, and motors that generate ozone.

18. Maintenance or Repair

Routine maintenance or repair of a facility, including substitution of equipment by specification, only if there is no increase in emissions (e.g., change in fabric filter brand).

19. Mixing and Blending Equipment

Equipment used exclusively to mix or blend materials at ambient temperatures to make water-based solutions containing no more than 5% volatile organic compound (VOC) by weight.

20. Molding

Plastic injection or compression molding machines. Extrusion molding and blow molding is not eligible under this exemption.

21. Motor Vehicle Maintenance

Motor vehicle maintenance and repair facilities. Automobile refinishing facilities are not eligible under this exemption.

22. Operating Hours

An increase in the hours of production of a facility not otherwise restricted.

23. Operating Rate/ Product Changes

An increase in the rate of production at a facility not otherwise restricted.

24. Ownership

A change in facility ownership, provided that the Department is notified in writing of the ownership change within 60 days of the effective date of the change.

25. Plan Approval by Rule

An emission unit listed in 310 CMR 7.03 provided that the emission unit fully conforms to the design, operation, maintenance, and record keeping requirements of 310 CMR 7.03.

26. Plumbing
Plumbing soil stacks or vents.

27. Pressure Relief Devices
Safety pressure relief devices associated with emission units having plan approvals, unless otherwise required by the Department.

28. Relocation of Approved Equipment
Relocation of any previously approved equipment provided that the equipment is relocated within the facility or to a contiguous property and provided that the relocated equipment does not cause or contribute to a condition of air pollution.

29. Thermal and Catalytic Oxidizers
A process emission oxidizer or afterburner with a rated capacity of less than 40,000,000 Btu per hour using natural gas and installed on a previously approved facility or on a new facility which otherwise meets the plan approval exemptions provided in 310 CMR 7.02(2). This exemption is only available where the air pollution control equipment is not otherwise required by regulation, and the air pollution control equipment does not replace existing air pollution control equipment required by plan approval or regulation. Flares are not eligible under this exemption. Persons installing thermal or catalytic oxidizers as allowed by this exemption shall notify the Department, within 60 days of installation, that oxidizers have been installed.

30. Turbines and Reciprocating Engines
An individual internal combustion engine such as a combustion turbine or reciprocating engine having an energy input capacity of less than 3,000,000 Btu per hour energy input.

31. Wastewater Treatment
Wastewater treatment and/or pumping facilities with average daily input flows of less than 50,000 gallons per day, and that treat sanitary sewage exclusively.
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32. Water Treatment
Water treatment systems for process cooling water or boiler feed water.

(c) Exemption for Actions that Contradict an Existing Plan Approval
Except as provided below or in 310 CMR 7.02(4), and 310 CMR 7.02(5), construction, substantial reconstruction or alteration of a facility or emission unit that would contradict an existing plan approval does not require a new plan approval, provided that the planned construction, substantial reconstruction or alteration would increase potential emissions by less than one ton per year above the emission limitation established by the existing plan approval. Actions that would contravene emission control equipment design specifications, capture and/or destruction efficiency standards for control equipment, emission limits (except emissions per unit time) established by a BACT approval, air contaminant

ventilation characteristics such as a reduction in stack height, or limitations on the VOC/HOC content of coatings, require a plan approval. Where the action would result in an increase in allowable or potential emissions above limits established in an approved RES, the RES must be modified as described in 310 CMR 7.02(10). In order to determine applicability under 310 CMR 7.02(2)(c), emissions must be calculated in accordance with 310 CMR 7.02(2)(d). Written notification to the Department must be made within 30 days of such an action.

(d) Calculation of *De minimis* Emissions

Eligibility under exemption from plan approval, provided by 310 CMR 7.02(2)(b)7. and 8. is determined by calculating the emission increase associated with the planned construction, substantial reconstruction or alteration. This calculation must be based on the maximum design capacity of the planned action to estimate potential to emit. Reductions in emissions resulting from reduced utilization or elimination of emission units cannot be deducted. Products of combustion from any fuel utilization facility and emissions from an emission unit(s) installed in compliance with 310 CMR 7.03 are not included when calculating an increase in potential emissions.

(e) Record keeping

The owner or operator of a facility or emission unit that is exempt from plan approval shall keep the following records on-site and up-to-date, such that year-to-date information is readily available for Department examination upon request:

1. Documentation of the date of construction, substantial reconstruction or alteration.

2. Documentation, including emission calculations, under the specific condition(s) that qualifies the activity for exemption (e.g., size threshold, emissions).

3. Air pollution control and other equipment performance specifications.

4. Verification of the overall efficiency of any air pollution control device adequate to support assumptions of emission control equipment capture efficiency (documentation of permanent total enclosures) and destruction/removal efficiency.

(f) Reporting

The owner or operator of a facility subject to Source Registration reporting requirements of 310 CMR 7.12, shall report the construction, substantial reconstruction or alteration activities that qualified for exemption in the next required Source Registration.

(g) Enforcement

If construction, reconstruction, alteration or operation of an emission unit for which an exemption from plan approval is claimed, violates any provisions of 310 CMR 7.00, the person owning, leasing, operating or controlling the facility will be subject to enforcement under M.G.L. c. 111 §§ 142A and B, and c. 21A § 16 and/or any other relief or remedy provided by law including, but not limited to, injunctive relief.

(3) General Requirements for Plan Approval

(a) General

No person shall construct, substantially reconstruct, alter, or subsequently operate any facility subject to the requirements of 310 CMR 7.02(4) or (5) unless an application for plan approval has been submitted to the Department and plan approval has been granted by the Department. Procedures and contents of an application for plan approval can be found at 310 CMR 7.02(4) and 310 CMR 7.02(5).

b) Form of Approval

Any plan approval or plan disapproval will be issued by the Department in writing. If a plan application is disapproved, the Department will provide a written explanation of the circumstances that lead to the decision to disapprove the application.

(c) Conditions of Approval

The Department may impose any reasonable conditions in a plan approval including conditions determined to be necessary to insure that the facility will be built, operated, and maintained as specified in the application for plan approval.

(d) Monitoring and Testing

The Department may require the applicant to monitor and/or test emissions as a condition of approval. The plan approval may include conditions that direct the applicant to install sampling ports of a specified size, number or location, direct the applicant to provide safe access to each sampling port or direct the applicant to install instrumentation to monitor and record emissions data and/or operating parameters.

(e) Record keeping and Reporting

The Department may require an applicant to maintain records and provide periodic reports to the Department, as necessary, to assure continuous compliance with standard operating procedures, standard maintenance procedures, emission limitations, and any work practices contained in the plan approval.

(f) Compliance with Plan Approvals

Except as provided in 310 CMR 7.02(2)(c), no person shall operate a facility approved under 310 CMR 7.02 except in compliance with any plan approval issued to the facility. A plan approval does not reduce or negate the responsibility of the facility owner or operator to comply with any other applicable requirements of the Department.

(g) Massachusetts Environmental Policy Act (MEPA) Review

Prior to obtaining Department plan approval, an applicant must comply with the requirements of 301 CMR 11.00 if applicable. The thresholds and requirement for Environmental Notification Form (ENF) and Environmental Impact Report (EIR) submissions are reprinted here from 301 CMR 11.00 as follows:

1. ENF and Mandatory EIR. Construction of a new major stationary source with federal potential emissions, after construction and the imposition of required controls, of: 250 tpy of any criteria air pollutant; 40 tpy of any HAP; or 100 tpy of any combination of HAPs.
2. ENF and other MEPA Review if the Secretary So Requires.
   a. Construction of a new major stationary source with federal potential emissions, after construction and the imposition of required controls, of 100 tpy of PM as PM10, CO, lead or SO2; 50 tpy of VOC or NOX; 10 tpy of HAP; or 25 tpy of any combination of HAPs.
   b. Modification of an existing major stationary source resulting in a "significant net increase" in actual emissions, provided that the stationary source or facility is major for the pollutant, emission of which is increased by: 15 tpy of PM as PM10; 100 tpy of CO: 40 tpy of SO2; 25 tpy of VOC or NOX; 0.6 tpy of lead.

(h) Opportunity for Comment

The Department will provide an opportunity for public comment as specified in 40 CFR Part 51.161 prior to issuing an approval or denial of a plan approval application required under 310 CMR 7.02(4) or (5) for any facility that meets or exceeds the threshold for MEPA Review (301 CMR 11.00). See 310 CMR 7.02(3)(g).

(i) Construction Activities Prior to Plan Approval

An applicant for plan approval may, at its own risk, begin limited construction activities including excavation, construction of foundations, construction of roads, landscaping, installation of structural steel and/or concrete, building modifications, utility service installations, and purchase of equipment provided that the applicant has:

1. Requested and attended a pre-application meeting with the appropriate regional office of the Department prior to filing the plan approval application;
2. Submitted an LPA or CPA plan approval application that the Department has found to be administratively complete in accordance with 310 CMR 4.00;
3. Demonstrated that the prior approval of other state agencies (e.g. MEPA or Energy Facility Siting Board) is not required prior to Department action on the plan approval application; and
4. Demonstrated that the planned construction, substantial reconstruction or alteration is not subject to 40 CFR Part 52.21, 40 CFR Part 63.41 – 63.44 or 310 CMR 7.00, Appendix A.

After a pre-application meeting, the Department may instruct the applicant to restrict pre-approval construction activities to specific activities.

(j) Department Approval

Plan approval will be issued by the Department where:

1. The emissions from a facility do not result in air quality exceeding either the Massachusetts or National Ambient Air Quality Standards; and
2. The emissions from the facility do not exceed applicable emission limitations specified in 310 CMR 7.00; and
3. The emissions from the facility do not result in violation of any provision of 310 CMR 7.00; and
4. The facility does not require a plan approval pursuant to 310 CMR 7.00, Appendix A or the plan approval requirements of 310 CMR 7.00, Appendix A have been met by the application and a

310 CMR 7.00, Appendix A plan approval has been issued by the Department. The Department has the discretion to issue the 310 CMR 7.00, Appendix A plan approval in conjunction with a 310 CMR 7.02 plan approval; and

5. The facility does not require a plan approval pursuant to 40 CFR Part 52.21, Prevention of Significant Deterioration (PSD) or the requirements of 40 CFR Part 52.21 have been met by the plan approval application and a PSD permit has been issued. The Department has the discretion to issue the PSD permit in conjunction with a 310 CMR 7.02 plan approval; and
6. The emissions from such a facility or operation of such a facility represent Best Available Control Technology (BACT) or the most stringent emission limitation as specified in 310 CMR 7.02(8); and
7. The owner or operator of the facility has made a demonstration of compliance required under 310 CMR 7.02(4)(d)5. or 310 CMR 7.02(5)(c)9; and
8. The facility does not require a plan approval pursuant to 40 CFR Part 63.41- .44 or the requirements of 40 CFR Part 63.41- .44 have been met by the plan approval application and an approval as required by 40 CFR Part 63.41- .44 has been issued. The Department has the discretion to issue 40 CFR Part 63.41- .44 approval in conjunction with a 310 CMR 7.02 plan approval.

(k) Plan Approval Revocation

The Department may revoke any plan approval if construction has not commenced within two years of the date of a plan approval or, if during construction, construction is suspended for a period of one year or more. For purposes of this paragraph, construction has commenced if the owner or operator of the facility has begun a continuous program of physical on-site construction of the facility or emission unit that are permanent in nature.

(l) Plan Approval Duration

Plan approvals are valid for the life of the emission unit or facility, regardless of changes in ownership. Plan approvals issued to a facility that changes ownership, are binding upon the new owner. A plan approval remain in effect unless:

1. They are superseded by new state or federal requirements, or
2. The facility or unit is reconstructed or altered under the terms and conditions of a subsequent plan approval pursuant to 310, CMR 7.02, or
3. The emission unit becomes inactive and does not meet the criteria for reactivating as described in 310 CMR 7.02(3)(m); or
4. It is revoked or modified pursuant to an enforcement action.

(m) Reactivating an Inactive Emission Unit

Any person who owns, operates or controls an emission unit or facility that has not operated for at least 24 hours in each of the most recent five calendar years is required to obtain a new plan approval prior to re-commencing operation of that emission unit unless sufficient evidence is presented to convince the Department that the shutdown was temporary and the re-startup could occur within a short time period in full compliance with 310 CMR 7.00. Such evidence shall include documentation showing that during shutdown period:

1. Continued maintenance of the equipment was performed,

2. Compliance with all regulatory requirements such as installation of any monitoring equipment, instrumentation, control equipment, or process controls,
3. The facility or unit was included in Source Registration submissions to the Department pursuant to 310 CMR 7.12, and
4. Any other relevant affirmative information.

(n) Prohibitions

1. Concealing Emissions

No person shall cause, suffer, allow, or permit the installation or use of any material, article, machine, equipment, or contrivance which conceals an emission without reducing the total weight of emissions where such emission would constitute a violation of any applicable regulation.

2. Air Pollution Control Equipment

No person shall cause, suffer, allow or permit the removal, alteration or shall otherwise render inoperable any air pollution control equipment or equipment used to monitor emissions that is required by 310 CMR 7.00, without specific written authority of the Department or in conformance with the specific exemptions listed in 310 CMR 7.02(2). An exception to this requirement is allowed for reasonable maintenance periods or unexpected and unavoidable failure of the equipment provided that the Department is notified, in writing, within 24 hours of the occurrence of such failure.

(4) Limited Plan Application (LPA)

(a) Applicability

An LPA is required from any person prior to constructing, reconstructing, altering, or subsequently operating any facility or emission unit described as follows:

1. Emission Increase of Less Than 5 Tons Per Year

A change that results in an increase in potential emissions of a single criteria air containment or any single non-criteria air contaminant,equal to or greater than one ton per year and less than 5 tons per year, calculated over any twelve consecutive month time period. In order to determine applicability, emissions must be calculated in accordance with 310 CMR 7.02(4)(b).

2. Fuel Utilization Facilities

Any fuel utilization facility, excluding internal combustion engines such as combustion turbines or reciprocating engines, where the individual fuel utilization emission unit being constructed, substantially reconstructed, altered or subsequently operated has a maximum energy input capacity equal to or greater than:

a. 10,000,000 Btu and less than 40,000,000 Btu per hour utilizing natural gas or propane;

b. 10,000,000 Btu and less than 30,000,000 Btu per hour utilizing distillate fuel oil;

c. 10,000,000 Btu and less than 20,000,000 Btu per hour utilizing residual fuel oil having a sulfur content of equal to or less that 0.28 pounds per million Btu heat release potential (approximately equal to 0.5% sulfur by weight) (*Also see 310 CMR 7.05(1) and (2))*;

d. 5,000,000 Btu and less than 10,000,000 Btu per hour utilizing residual fuel oil having a sulfur content of less than 0.55 pounds per million Btu heat release (approximately equal to 1% sulfur by weight). *(Also see 310 CMR 7.05(1) and (2))*; or

e. 3,000,000 Btu and less than 10,000,000 Btu per hour utilizing used oil fuel (*Also see 310 CMR 7.04(9), and 7.05(7),(8) and (9)).*

NOTE: Multiple fuel utilization emission units installed at a single facility need to be evaluated for aggregate emissions to ensure that 310 CMR 7.00, Appendix A is not triggered.

3. Modification of Plan Approval Terms and Conditions

Except as provided in 310 CMR 7.02(5) and 310 CMR 7.02(6), construction, substantial reconstruction, alteration or subsequent operation of a facility or emission unit that would contradict an existing plan approval, provided that:

1. the planned construction, substantial reconstruction, alteration or subsequent operation would increase potential emissions by equal to or greater than one ton per year but less than 5 tons per year above the emission limitation established by an existing plan approval, and

2. The planned construction, substantial reconstruction, alteration, or subsequent operation would only affect the

a. allowable or potential emission rates; or

b. operating hours; or

c. process feed rates; or

d. a combination of a. though c.

Actions that would contravene emission control equipment design specifications, capture and/or destruction efficiency standards for control equipment, emission limits established by a BACT approval, air contaminant ventilation characteristics such as a reduction in stack height, or limitations on the VOC/HOC content of coatings, require a plan approval. Where the action would result in an increase in allowable or potential emissions above limits established in an approved RES, the RES must be modified as described in 310 CMR 7.02(10). In order to determine applicability under this paragraph, emissions must be calculated in accordance with 310 CMR 7.02(4)(b).

4. Applicability of Non-attainment, PSD, or MACT Review

Any facility where the construction, substantial reconstruction, alteration or subsequent operation would result in a portion or all of the facility being subject to Non-attainment Review at 310 CMR 7.00, Appendix A or to PSD Permitting at 40 CFR Part 52.21; or where the construction or reconstruction (as defined in 40 CFR Part 63.41) would be subject to 40 CFR Part 63.40- .44. Applicability under this paragraph shall be based on federal potential emissions of any regulated pollutant. The only restrictions which may be included in the calculation of federal potential emissions are specific conditions contained in a federally enforceable plan approval. Records maintained at the facility, as a means of demonstrating potential emissions are below the thresholds contained in 310 CMR 7.02, are not federally enforceable.

(b) Emission Calculation

Eligibility for an LPA provided at 310 CMR 7.02(4)(a)1. and 3. is determined by quantifying the increase in potential to emit associated with the proposed action. The calculation of potential to emit must be based on the maximum design capacity of the proposed construction, substantial reconstruction, alteration or subsequent operation. The calculation can consider proposed limitations or restrictions on operating rate or short and long term emissions, provided that these conditions become federally enforceable upon plan approval. Reductions in emissions resulting from reduced utilization or elimination of existing emission units cannot be deducted (netting). Products of combustion from any fuel utilization facility or emissions from an emission unit installed in compliance with 310 CMR 7.03 are not included when calculating an increase in potential emissions.

(c) Facilities with Operating Permits

Unless subject to 310 CMR 7.02(4)(a)3. and 4., an LPA is not required of any facility which has been issued an operating permit by the Department under the provisions of 310 CMR 7.00, Appendix C,

provided that an application for a minor modification to the operating permit plan approval is submitted to the Department in accordance with the requirements of 310 CMR 7.00, Appendix C(8) and within the timelines established at 310 CMR 7.00, Appendix C(4)(b)2.

(d) Limited Plan Application Requirements

To apply for an LPA, an applicant shall satisfy each of the following conditions:

1. The application shall be made on a form furnished by the Department or by other means required by the Department.
2. The application shall be signed by a responsible official.
3. The application shall be submitted in duplicate.
4. The application shall be accompanied by sufficient information to document the facility's potential emissions.
5. The application shall contain an affirmative demonstration that any facility in Massachusetts owned or operated by such persons (or by an entity controlling, controlled by or under common control with such person) that is subject to 310 CMR 7.00, is in compliance with or on a Department approved compliance schedule to meet all provisions of 310 CMR 7.00 and any plan approval, notice of noncompliance order or plan approval issued thereunder.

(5) Comprehensive Plan Application (CPA)

(a) Applicability

A CPA is required from any person prior to constructing, substantially reconstructing, altering or subsequently operating any facility or emission unit described as follows:

1. Emission Increase Greater than or Equal to 5 Tons Per Year

Any facility where the construction, substantial reconstruction, alteration or subsequent operation would result in an increase in potential emissions of a single criteria air containment or any single non-criteria air contaminant equal to or greater than five tons per year, calculated over any 12 consecutive month time period. In order to determine applicability, emissions must be calculated in accordance with 310 CMR 7.02(5)(b).

2. Fuel Utilization Facilities

Any fuel utilization facility, excluding internal combustion engines such as combustion turbines or reciprocating engines, where the individual fuel utilization emission unit being constructed, substantially reconstructed, altered or subsequently operated has a maximum energy input capacity equal to or greater than:

a. 40,000,000 Btu per hour utilizing natural gas or propane.
b. 30,000,000 Btu per hour utilizing distillate fuel oil.
c. 20,000,000 Btu per hour utilizing residual fuel oil having a sulfur content of equal to or less that 0.28 pounds per million Btu heat release potential (approximately equal to 0.5% sulfur by weight).
d. 10,000,000 Btu per hour utilizing residual fuel oil having a sulfur content of less than 0.55 pounds per million Btu heat release (approximately equal to 1% sulfur by weight) or used oil fuel *(See also the requirements of 310 CMR 7.04(9) and 310 CMR 7.05(7)(8)(9)).*
e. 3,000,000 Btu per hour utilizing:
   1. Residual fuel oil having a sulfur content greater than 0.55 pounds per million Btu but not in excess of 1.21 pounds per million Btu heat release potential (greater than 1% sulfur by weight but less than or equal to approximately 2.2% sulfur by weight).

2. Hazardous waste fuel.
3. Solid fuel with automatic fuel feed.
4. Landfill gas.
5. Digester gas.

3. Internal Combustion Engines

Any individual internal combustion engine, such as a stationary combustion turbine or a stationary reciprocating engine, having a maximum energy input capacity equal to or greater than 3,000,000 Btu per hour.

4. Hand-Fired Solid Fuel Utilization Facilities

Any hand fired solid fuel utilization facility having an energy input capacity equal to or greater than 1,000,000 Btu per hour.

5. Incinerators

Any incinerator or modification to any incinerator and/or its ancillary equipment.

6. Aggregated *Deminimis* Emission Increases

Any facility where the sum of the incremental changes (less than 1 ton each) in potential to emit in any calendar year equals or exceeds 5 tons for any single criteria pollutant or any single non-criteria pollutant.

7. Facilities Subject to PSD or Nonattainment Review

Any facility, regardless of any exemption established elsewhere, subject to the rules governing Prevention of Significant Deterioration (40 CFR Part 52.21) or Emissions Offsets and Nonattainment Review (310 CMR 7.00, Appendix A).

8. Modification of Plan Approval Conditions

Any facility, regardless of any exemption established elsewhere in 310 CMR 7.00, that requires a modification to a condition of any plan approval issued by the Department due to an increase in potential emissions by equal to or greater than five tons per year (as calculated in any consecutive twelve month time period) over the emission limitation established by plan approval. The increase in potential emissions shall be calculated in accordance with 310 CMR 7.02(5)(b).

9. Modification of Non-attainment Review or PSD permit

Any facility, where the construction, substantial reconstruction or alteration would violate a condition of a Non-attainment Review approval or PSD permit regardless of the expected change in emissions and any exemptions established elsewhere in 310 CMR 7.00.

10. Facilities with the Potential to Cause or Contribute to Air Pollution

Any facility, regardless of any exemption established elsewhere in 310 CMR 7.00 that the Department determines has the potential for causing or contributing to a condition of air pollution.

(b) Calculation of Emissions

Calculation of potential emissions associated with a CPA must be based on the maximum design capacity of the proposed construction, substantial reconstruction or alteration. The calculation can consider proposed limitations or restrictions on operating rate or short and long term emissions, provided that these conditions become federally enforceable upon plan approval. Reductions in emissions resulting from reduced utilization or elimination of emission units cannot be deducted (netting). Products of combustion from any fuel utilization facility or emissions from an emission unit installed in compliance with 310 CMR 7.03 are not included when calculating an increase in potential emissions.

(c) Comprehensive Plan Application Requirements

To apply for a CPA, an applicant shall satisfy each of the following conditions:

1. The application shall be made on a form furnished by the Department or by other means required by the Department.
2. The application shall be signed by a responsible official.
3. The application shall be submitted in duplicate.
4. The application shall be accompanied by a description of the proposed activity, site information, plans, specifications, drawings illustrating the design of the facility, calculations detailing the nature and amount of all emissions, and procedures describing the manner in which the facility will operate and be maintained.
5. The application shall demonstrate compliance with the requirements of 310 CMR 7.02(8)(a) relating to compliance with emission limitations.
7. Additional information shall be furnished upon request by the Department including, but not limited to, air dispersion modeling, additional plans or specifications, and documentation or evidence to support the application.
8. The application shall bear the seal and signature of a professional engineer registered in the Commonwealth of Massachusetts under the provisions of MGL c. 112, as amended.
9. The application shall contain an affirmative demonstration that any facility(ies) in Massachusetts owned or operated by such persons (or by an entity controlling, controlled by or under common control with such person) that is subject to 310 CMR 7.00 *et seq*., is in compliance with or on a Department approved compliance schedule to meet all provisions of 310 CMR 7.00 *et seq*. and any plan approval, notice of noncompliance order or plan approval issued thereunder.

(d) Prevention of Significant Deterioration

In addition to the requirements contained at 310 CMR 7.02(5)(c), major new stationary sources of air contaminants and major modifications of existing major stationary sources located in attainment areas are subject to Prevention of Significant Deterioration (PSD) regulations promulgated in 40 CFR Part 52.21. Effective July 1, 1982, the PSD program is implemented by the Department in accordance with the Department's "Procedures for Implementing Federal Prevention of Significant Deterioration Regulations."

(e) Maximum Achievable Control Technology (MACT)

In addition to the requirements contained at 310 CMR 7.02 (5) (c), the construction or reconstruction (as defined by 40 CFR Part 63.41) would be subject to 40 CFR Part 63.40- .44. This is a requirement to satisfy section 112(g) of the Act that construction or reconstruction after June 29, 1998 of a major source of hazardous air pollutants (as defined in 40 CFR Part 63.2) be equipped with MACT. These requirements apply if the source has not been either regulated or exempted by a standard issued pursuant to Section 112(d), 112(h), or 112(j) or the process category has not been delisted pursuant to Section 112 (c) (9) of the Act. 40 CFR Part 63.40- .44 is implemented by the Department on the publication 310 CMR 7.02(5).

(f) Facilities with Operating Permits

A facility issued an operating permit under the provisions of 310 CMR 7.00, Appendix C, with proposed changes at the facility resulting in an increase in uncontrolled potential emissions greater than or equal to

5 tons per year but less than 25 tons per year, and projected actual emission increases greater than 5 tons per year but less than 25 tons per year, may elect to utilize expedited plan approval review timelines available under 310 CMR 4.10(2)(j) provided that a pre-application meeting is held with the appropriate regional office personnel no more than 90 days prior to the anticipated date that the CPA is to be submitted.

(6) Aggregated Emissions

(a) Applicability

1. Any person who owns or operates a facility shall track emission increases as defined below on a calendar year basis in order to determine if plan approval is required pursuant to 310 CMR 7.02(5)(a)6.
2. Emission increases that are subject to this requirement are those associated with the construction, substantial reconstruction or alteration of a facility or emission units that:
   a. Are individually not subject to plan approval under 310 CMR 7.02(4) or 310 CMR 7.02(5); and
   b. Have not previously been aggregated for purposes of plan approval under 310 CMR 7.02(4) and 310 CMR 7.02(5); and
   c. Are not part of a program of construction or modification in planned incremental phases previously approved by the Department.

(b) Calculation of Emissions

Aggregated emissions shall be calculated as the sum of the potential emissions of any air contaminant identified in 310 CMR 7.02(6)(a). Increased emissions resulting from construction, substantial reconstruction or alteration, in accordance with the requirements of 310 CMR 7.03, are not included in this calculation.

(7) Mitigation of Air Pollution

(a) Requirement to Collect Information

Where, in the opinion of the Department, any facility or product manufactured therein has the likelihood of causing or contributing to a condition of air pollution, the Department may require the person owning, leasing or controlling said facility to submit information to document facility emissions, operating parameters of emission control equipment, and standard operating and maintenance procedures. In doing so, the Department may require any person who owns, operates or controls any facility, who manufactures emissions control equipment or process equipment to:

1. Establish and maintain records;
2. Make reports;
3. Install, use, and maintain monitoring equipment;
4. Perform audits on monitoring equipment using standard procedures and methods;
5. Quantify emissions in accordance with the procedures, and methods as the Department may prescribe;

6. Keep records on control equipment parameters, production variables, and other indirect data when direct monitoring of emissions is not practical;
7. Conduct stack testing or submit modeling analysis; or
8. Maintain other records and provide any other information as the Department might reasonably require.

(b) Department Review of Information

The Department will use information submitted pursuant to 310 CMR 7.02(7)(a) to determine the adequacy and application of existing air pollution control technology at a facility to prevent a condition of air pollution. In addition, the Department's representative, upon presentation of credentials:

1. Shall have right of entry to, upon, or through any premises of any such person in which records required by 310 CMR 7.02(7)(a) are located, and
2. May at reasonable times have access to copy any records, inspect any equipment, review any documents, and sample any emissions that the owner or operator of the facility is required to sample under 310 CMR 7.02(7)(a).

(c) Compliance Monitoring and Compliance Certification

The Department may require any person to perform compliance monitoring and submit a compliance certificate subject to the standards of 310 CMR 7.01(2). Compliance certifications shall include:

1. Identification of all applicable requirements that are the basis for certification;
2. The method used to determine compliance status of the facility;
3. The compliance status of the facility, and each emission unit;
4. Whether compliance is continuous or intermittent; and
5. Other facts as the Department might require.

(d) Plan Approval and Compliance Schedule Requirement

If, after review of the submitted information, the Department determines that the facility is in need of reconstruction, alteration or repair to prevent the facility from causing or contributing to a condition of air pollution, the Department may require the person owning, leasing, operating or controlling the facility to submit an application for a CPA under 310 CMR 7.02(5). The plan application required by this section shall be provided to the Department by the deadline specified by the Department and shall contain a proposed compliance schedule subject to Department approval.

(e) Continuing Operations

The Department may allow the facility to temporarily continue to operate pending reconstruction or repair provided that the person owning leasing operating or controlling the facility complies with all requirements and deadlines of 310 CMR 7.02(7)(d).

(8) Emission Limitations

(a) Emission Limitations in Plan Approvals for New or Modified Facilities

The Department's written approval of an LPA or CPA shall include the most stringent emission limitation of the following, as applicable:

1. Lowest Achievable Emission Rate (LAER) where the construction, substantial reconstruction or alteration is subject to the requirements of Non-attainment New Source Review and 310 CMR 7.00, Appendix A.
2. Best Available Control Technology (BACT). BACT is required of all LPAs and CPAs as well as where construction, substantial reconstruction or alteration is subject to Prevention of Significant Deterioration (PSD) permitting. In no case will BACT be less stringent than RACT or its equivalent for a facility size and type, where RACT has been defined in 310 CMR 7.05, 7.18, 7.19, 7.24 or 7.26. BACT may include a design feature, equipment specification, work practice, operating standard or combination thereof *(See Definition of BACT in 310 CMR 7.00)*.
3. New Source Performance Standards (NSPS) as defined in 40 CFR Part 60.
4. National Emission Standards for Hazardous Air Pollutants (NESHAP) as defined at 40 CFR Part 61.
5. National Emission Standards for Hazardous Air Pollutants for Source Categories as defined at 40 CFR Part 63 (MACT).

(b) Fuel Switching

Applicants for conversion of fuel utilization facilities equal to or greater than 100,000,000 Btu per hour from oil or solid fuel to natural gas or dual-fuel oil/natural gas, are not required to provide an assessment of BACT in the application for plan approval (LPA or CPA). Further, this action is not considered a major modification subject to New Source Performance Standards provided that the project qualifies as a pollution prevention project in accordance with EPA Standards of Performance for New Stationary Sources. For the purpose of this section, a fuel utilization facility is defined as any single boiler, hot oil generator, melt furnace, oven, or similar fuel burning unit as determined by the Department.

(c) Emission Limitations for Existing Facilities

Existing facilities must comply with the applicable requirements of 310 CMR 7.02 (8)(d) through (j) unless subject to more stringent requirements that have been established by plan approval, state regulation or federal requirement (NSPS or NESHAP) as applicable. Under 310 CMR 7.02(8)(c) through (i), an existing facility is any facility or emission unit that was in operation on or before June 1, 1972 and has not been modified, reconstructed or altered since that date *(See also Definition of Existing Facility in 310 CMR 7.00).*

(d) Maximum Particulate Emission Limits in Areas of Critical Concern

Existing facilities in the communities listed in Table 3 shall, at a minimum, meet the particulate emission limits in Table 4 unless subject to a more stringent emission limit in a plan approval, state regulation or federal program (NSPS or NESHAP), as applicable.

Table 3

Adams	Fall River	Millbury	Southbridge
Amherst	Fitchburg	Milton	Springfield

Arlington	Gardner	Needham	Stoneham
Athol	Grafton	New Bedford	Taunton
Attleboro	Greenfield	Newburyport	Wakefield
Auburn	Hadley	Newton	Waltham
Belmont	Haverhill	North Adams	Ware
Boston	Holden	Northampton	Watertown
Boylston	Holyoke	Orange	Webster
Braintree	Lawrence	Palmer	West Boylston
Brookline	Lee	Peabody	Westfield
Cambridge	Leicester	Pittsfield	West Springfield
Canton	Leominster	Quincy	Weymouth
Chelsea	Longmeadow	Revere	Winchester
Chicopee	Lowell	Salem	Winthrop
Dalton	Ludlow	Sandwich	Woburn
Dedham	Lynn	Saugus	Worcester
Easthampton	Malden	Shrewsbury	
East Longmeadow	Medford	Somerset	
Everett	Melrose	Somerville	

Table 4

Facility Type	Size	Existing unit
Ferrous Cupola Foundries		
Production	all	0.06 gr./DSCF[1]
Jobbing	all	0.21 gr./DSCF
NonFerrous Cupola Foundries	all	0.06 gr./DSCF
Municipal Incinerators	all	0.1 gr./scf at 12% CO2[2]
Commercial, Industrial and Institutional incinerators	50+ TPD[3] charge rate	0.1 gr./scf at 12% CO2
Commercial, Industrial and Institutional incinerators	less than 50 TPD charge rate	0.1 gr./scf at 12% CO2
Municipal Sewerage Sludge	all	0.65 gr./kg dry sludge input

[1] DSCF - Dry Standard Cubic Foot
[2] CO2 - Carbon Dioxide
[3] TPD - Tons per day

Incinerators		
Asphalt Batching plants	all	0.04 gr./DSCF
Fossil Fuel Utilization Facility	3 - 250 MMBtu[4]	0.12 lb./MMBtu
	250 MMBtu or larger	0.12 lb./MMBtu
Fuel Utilization Facilities	***City of Worcester only***	
Solid Fuel	3 - 250 MMBtu	0.12 lb./MMBtu
Residual Oil	3 - 250 MMBtu	0.12 lb./MMBtu
Distillate oil	3 - 250 MMBtu	0.10 lb./MMBtu
Natural gas	3 - 250 MMBtu	0.10 lb./MMBtu
Solid Fuel	250 MMBtu or larger	0.12 lb./MMBtu
Residual oil	250 MMBtu or larger	0.12 lb./MMBtu
Distillate oil	250 MMBtu or larger	0.10 lb./MMBtu
Natural Gas	250 MMBtu or larger	0.10 lb./MMBtu

(e) Maximum Particulate Emission Limits: Existing Wood Fired Facilities

1. Existing wood fired facilities equal to or greater than 3,000,000 Btu heat input shall, at minimum, meet a particulate emission limit of 0.1 lb./MMBtu unless subject to more stringent emission limits as applicable in a plan approval, regulation or federal program (NSPS or NESHAP).
2. New wood fired facilities shall, at minimum, meet the following particulate emission limits unless subject to more stringent emission limits as applicable in a plan approval, regulation or federal program (NSPS or NESHAP).

Table 5

Size of Facility	Emission Limit
3- 250 MMBtu/hr	0.20 lb/MMBtu
250+	0.10 lb/MMBtu

(f) Maximum Particulate Emission Rate : All Other Communities

In communities other than those listed in Table 3, existing facilities shall, at minimum, meet the particulate emission limits in Table 6 unless subject to more stringent emission limits as applicable in a plan approval, regulation or federal program (NSPS or NESHAP).

Table 6

Facility Type	Size	Existing unit
Fossil Fuel Utilization Facility	3 - 250 MMBtu	0.15 lb./MMBtu
	250 MMBtu or larger	0.15 lb./MMBtu
Ferrous Cupola Foundries		

[4] MMBtu - Million British Thermal Units

Production	all	0.13 gr./DSCF
Jobbing	all	0.21 gr./DSCF
Non-Ferrous Cupola Foundries	all	0.08 gr./DSCF
Municipal Incinerators	all	0.1 gr./scf at 12% CO2
Commercial, Industrial and Institutional Incinerators	50+ TPD charge rate	0.1 gr./scf at 12% CO2
Commercial, Industrial and Institutional Incinerators	less than 50 TPD charge rate	0.1 gr./scf at 12% CO2
Municipal Sewerage Sludge Incinerators	all	0.65 gr./kg dry sludge input
Asphalt Batching Plants	all	0.06 gr./DSCF

(g) Any facility which, when constructed, was subject to a federal New Source Performance Standard or National Emission Standard for Hazardous Air Pollutants, shall continue to be subject to such standard and operate in compliance with such standard unless more stringent requirements are applied through plan approval.

(h) Emission Testing and Monitoring

For purposes of determining compliance with 310 CMR 7.02(8)(d) through (f) of this section, any emission testing for compliance with these limitations must be conducted under isokinetic sampling conditions and in accordance with EPA test methods, as appropriate, including but not limited to Test Methods 1 through 5 as specified in the 40 CFR Part 60, Appendix A- Standards of Performance for New Stationary Sources, 40 CFR Part 60 Subpart E-Standards of Performance for Incinerators, (originally promulgated in the Federal Register, Volume 36, No. 247, December 23, 1971) or 40 CFR Part 60 Subpart O - Standards of Performance for Sewerage Treatment Plants (originally promulgated in the Federal Register, Volume 39, No.2, March 8, 1974) or by another method which has been correlated to the above method to the satisfaction of the Department.

It is proposed to amend **310 CMR 7.02 (12) U Restricted Emissions Status (RES)** *by relocating and renumber this section to* **310 CMR 7.02(9) Restricted Emissions Status (RES)**

It is proposed to amend **310 CMR 7.02(13)** *by relocating this section to* **310 CMR 7.02(8)(g)**.

It is proposed to amend **310 CMR 7.02 (14) U Emergency or Standby Engine(s)** *by relocating and renumbering this section to* **310 CMR 7.02(8)(k) Emergency or Standby Engine(s).**

It is proposed to amend 310 CMR 7.02 by adding **310 CMR 7.02(10) Modification of an RES** *as follows:*

(10) Modification of an RES

(a) Any person who owns, leases, operates or controls a facility may apply to modify an approved RES for the purpose of increasing the facility-wide emission limit, amending the list of emission units included in the existing RES approval or adding emission units not included in the RES approval or to make other administrative changes.

(b) If it is proposed to modify an RES to increase the approved emission limits without construction, substantial reconstruction or alteration of emission units, an application shall be made in accordance with the procedures in 310 CMR 7.02(9).

(c) If it is proposed to construct, substantially reconstruct or alter a stationary source in a manner that requires plan approval, and which increases overall site emissions, and the stationary source has an RES, then:

1. The following procedure will be used to modify the RES:
   a. The proposed construction, substantial reconstruction or alteration shall be submitted for Department approval using the procedures and format defined by 310 CMR 7.02(5)-Comprehensive Plan Application;
   b. The emission limitations in the existing RES shall be modified to incorporate the new emissions approved through plan approval without additional application to the Department; and
   c. The plan approval, and revised emission limitations established in the RES, shall be subject to public notice provisions of 310 CMR 7.02(9)(g).
2. However, notwithstanding (1) above, if the facility seeks to construct a new source not listed in the RES, the facility may elect to submit the appropriate limited or comprehensive plan application without modification to the RES. In this case, the potential to emit approved under the LPA or CPA will become additive to the potential of the devices listed in the RES. It is the responsibility of the facility to ensure that the combined potential to emit will not exceed relevant regulatory thresholds.

(d) If it is proposed to modify a RES approval to add new or modify existing equipment, amend terms or conditions of the RES approval, and the modification will not increase the facility-wide emission limit, the applicant shall:

1. File an application with the Department at least 30 days prior to the change at the facility that requires modification of the RES approval;
2. Provide a complete description of the proposed changes on forms obtained from the Department or by other means required by the Department;
3. Submit the application in duplicate, signed by a responsible official as being accurate and complete;
4. Provide in the application documentation of the equipment or procedure that will be used to ensure that short and long term emissions shall not exceed the limits in the RES approval including but not limited to, emission monitoring, and daily or monthly recordkeeping;
5. Provide a determination of BACT for those emission units not exempt from plan approval; and

6. Provide in the application a demonstration that the proposed modification of the RES approval is not subject to New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants or Nonattainment New Source Review (310 CMR 7.00, Appendix A).

(e) For applications made pursuant to 310 CMR 7.02(10)(d), construction, substantial reconstruction or alteration may commence 30 days after receipt of the application for a modified RES under 310 CMR 7.02(10)(d) by the Department, unless the applicant is notified by the Department that other permits may be necessary. Operation of the newly constructed, substantially reconstructed or altered emission unit shall not occur until the public review process procedures of 310 CMR 7.02(9)(g) are complete at which time the change will satisfy plan approval requirements of 310 CMR 7.02 (3), (4), and (5).

(f) Return to Major Source Status

If construction, substantial reconstruction or alteration of a facility operating under an RES approval results in an increase in emissions at the facility so that the facility can no longer stay below major source threshold(s), then the owner or operator of the facility must comply with the requirements of 310 CMR 7.00 applicable to major sources including, but not limited to, the implementation of RACT (310 CMR 7.18 and 310 CMR 7.19) and the requirement to obtain an operating permit (310 CMR 7.00, Appendix C).

It is proposed to amend **310 CMR 7.02 (15) 50% or 25% Facility Emission Cap Notification** *by relocating and renumbering this section to* **310 CMR 7.02(11) 50% or 25% Facility Emission Cap Notification.**

*It is proposed to amend **310 CMR 7.03 Plan Application Exemption Construction Requirements** by renaming the section **U Plan Approval Exemption: Construction Requirements** and by making the following changes as noted.*

7.03: U Plan ~~Application~~ Approval Exemption: Construction Requirements

(1) General.

(a) Any person who constructs, substantially reconstructs or alters, and subsequently operates an emission unit listed herein, may comply with the specific requirements of 310 CMR 7.03)(5) through)(7) in lieu of filing either a Comprehensive Plan Application (CPA) required by 310 CMR 7.02(2)(a) or a Limited Plan Application (LPA) required by 310 CMR 7.02(2)(b), except as provided in 310 CMR 7.03(2).

(b) Under 310 CMR 7.03, VOC shall include Volatile Organic Compounds (VOC) and Halogenated Organic Compounds (HOC) as defined in 310 CMR 7.00.

(c) Nothing in this section relieves a person who owns, operates, leases or controls a facility from having to comply with other applicable requirements of 310 CMR 7.00.

(2) Prohibition.

310 CMR 7.03 is not an alternative to obtaining a plan approval pursuant to 310 CMR 7.02 if construction, substantial reconstruction or alteration would violate requirements of:

(a) 310 CMR 7.02(5)(a)7. relating to Prevention of Significant Deterioration (PSD) requirements or the need for Non-attainment Review;

(b) 310 CMR 7.02(5)(a)8. and 9. relating to plan approvals, enforcement Nonattainment Review approval or PSD permits;

(c) 310 CMR 7.02(5)(a)10. relating to Department determinations of a potential condition of air pollution;

(d) 310 CMR 7.02(5)(a)5. relating to any incinerator;

(e) 310 CMR 7.02(4)(a)3. relating to plan approvals; or

(f) 310 CMR 7.02(4)(a)4. relating to significant increase in federal potential emissions.

(3) Including Emission Units in Calculation of Net Emission Increase.

Persons who construct, substantially reconstruct or alter an emission unit that complies with the requirements of 310 CMR 7.03 must include said emission unit in calculating significant net emission increase and determining applicability of Non-attainment New Source Review, 310 CMR 7.00, Appendix A.

(4) Emission Units Constructed or Altered Since 1970.

(a) Persons who construct, substantially reconstruct, alter, or subsequently operate an emission unit after July 1, 1970 in the Metropolitan Boston Air Pollution Control District and after September 15, 1970 in all other districts are not required to obtain plan approval if said emission unit complies with the requirements of 310 CMR 7.03 (5) through (7) and is one of the activities specified in 310 CMR 7.03(8) through (21), as applicable.

(b). Persons who already have plan approval for emission units that might otherwise be subject to 310 CMR 7.03 must continue to comply with the terms and conditions of the plan approval.

~~(2)~~ (5) Reporting.
Any construction, substantial reconstruction or alteration, as described in 310 CMR 7.03, at a facility subject to the reporting requirements of 310 CMR 7.12, shall be reported to the Department on the next required source registration.

~~(3)~~ (6) Record-keeping.
A record-keeping system shall be established and continued in sufficient detail to document the date of construction, substantial reconstruction or alteration and that the respective emission rates, operational limitations, equipment specifications and other requirements pursuant to 310 CMR 7.03 are ~~not exceeded~~ met. All records shall be maintained up-to-date such that year-to-date information is readily available for Department examination.

~~(4)~~ (7) Operation. No person shall operate a facility constructed, substantially reconstructed or altered pursuant to 310 CMR 7.03 except in conformance with the requirements established herein. This exemption from the requirements of 310 CMR 7.02(2) shall not affect the responsibility of the owner or operator to comply with other provisions of 310 CMR 7.00, other applicable regulations or any plan approval, notice of noncompliance order, PSD permit or other approval issued to said facility.

~~(5)~~ (8) Degreaser. ~~On or after June 1, 1990,~~ Construction, substantial reconstruction or alteration of any degreaser in compliance with the criteria established in 310 CMR 7.18(8), regardless of the item being degreased, with a solvent usage rate of less than 100 gallons per month.

~~(6)~~ (9) Wave Solder. ~~On or after June 1, 1990,~~ Construction, substantial reconstruction or alteration of an oil-less wave solder operation or any wave solder operation with a flux consumption rate of less than 200 gallons per month, either equipped with an electrostatic precipitator capable of maintaining a particulate control efficiency of greater than 90% or emitting visible emissions with 0% opacity. ~~and with a flux consumption rate of less than 200 gallons per month~~

~~(7)~~ (10) Emergency or Standby Engine.
On or after June 1, 1990, construction, substantial reconstruction or alteration of any emergency or standby engine complying with the following criteria. The engine shall:
(a) have an energy input capacity of equal to or greater than 3,000,000 Btu per hour and less than or equal to 10,000,000 Btu per hour; and
(b) be equipped with a exhaust silencer so that sound emissions from the generator will not cause or contribute to a condition of air pollution; and
(c) utilize an exhaust stack that discharges so as to not cause or contribute to a condition of air pollution.

~~(8)~~ (11) Lead Melt Pots. ~~On or after June 1, 1990,~~ Construction, substantial reconstruction or alteration of any lead melt pot(s) equipped with fabric filter control capable of maintaining 99.5% control efficiency of particulate matter.

~~(9)~~ **(12) Dry Material Storage Silo.** ~~On or after June 1, 1990,~~ Construction, substantial reconstruction or alteration of any storage silo equipped with fabric filter control capable of maintaining 99.5% control efficiency.

~~(10)~~ **(13) Motor Vehicle Fuel Dispensing Facility.** ~~On or after June 1, 1990,~~ Construction, substantial reconstruction or alteration of a vapor collection and control system (Stage I and/or Stage II) at a motor vehicle fuel dispensing facility, provided that such system meets the requirements of 310 CMR 7.24(2) and (6), and the Department is notified of said installation.

~~(11)~~ **(14) Dry Cleaning Operation.** Construction, substantial reconstruction or alteration of any dry cleaning system meeting the design and system criteria of 310 CMR 7.26(10) through (16) for facilities that use only dry-to-dry machine(s) and have a total yearly perchloroethylene consumption less than or equal to 2100 gallons as determined according to 310 CMR 7.26(14)(c); or for facilities that use only transfer machine system(s) or both dry-to-dry machine(s) and transfer machine(s) and have a total yearly perchloroethylene consumption less than or equal to 1800 gallons as determined according to 310 CMR 7.26(14)(c).

~~(12)~~**(15) Non-heatset Offset Lithographic Printing**. On or after July 1, 1992 construction, substantial reconstruction or alteration of any non-heatset offset lithographic printing press, except such presses present at a facility subject to 310 CMR 7.26(20), utilizing VOC containing compounds, including, but not limited to, makeup solvents, fountain solution additives, alcohol and cleanup solutions, complying with the following criteria:

(a) 1. Except as provided in 310 CMR 7.03(15)(a)2., this standard is applicable only where the total facility, including the new or modified printing press, will not have a usage rate of all VOC-containing compounds, including, but not limited to, printing inks, overprint coatings, makeup solvents, fountain additives, alcohol and cleanup solution, exceeding 670 gallons per calendar month. This usage includes VOC-containing compounds used in all printing and non-printing operations at the facility, including, but not limited to, non-heatset offset lithographic printing presses.

2. As an alternative determination of applicability, this standard is applicable only where the total facility, including the new or modified printing press, will not have a facility-wide emission rate of VOC exceeding 2.5 tons per calendar month. This emission rate shall include emissions from all printing and non-printing operations at the facility, including, but not limited to, non-heatset offset lithographic printing presses.

(b) Non-heatset offset lithographic printing presses subject to 310 CMR 7.03~~(12)~~ (15) and employing a fountain solution containing VOC shall meet the following specifications:

1. For web presses installed prior to May 1, 1998:
   a. The fountain solution shall be maintained at 1.6% by volume or less of alcohol; or
   b. The fountain solution shall be maintained at 3% by volume or less of alcohol and the fountain solution refrigerated to a temperature of less than 60° Fahrenheit.
2. For web presses installed on or after May 1, 1998, the fountain solution shall not contain any alcohol.
3. For sheet-fed presses with cylinder widths greater than 21 inches installed before July 1, 1992:
   a. The fountain solution shall be maintained at 5% by volume or less of alcohol; or,
   b. The fountain solution shall be maintained at 8% by volume or less of alcohol and the fountain solution refrigerated to a temperature of less than 60° Fahrenheit.

4. For sheet-fed presses with cylinder widths of less than or equal to 21 inches installed on or after July 1, 1992:
   a. The fountain solution shall be maintained at 3% by volume or less of alcohol; or
   b. The fountain solution shall be maintained at 5% by volume or less of alcohol and the fountain solution refrigerated to a temperature of less than 60^{o} Fahrenheit.
5. For sheet-fed presses with cylinder widths less than or equal to 21 inches, installed before July 1, 1992, the fountain solution shall be maintained at 10 % by volume or less of alcohol.
6. For sheet-fed presses with cylinder widths of less than or equal to 21 inches, installed on or after July 1, 1992, the fountain solution shall be maintained at 5% by volume or less of alcohol.
7. For newspaper printing, the fountain shall contain 0% alcohol.
8. Any VOC-containing fountain additive other than alcohol shall be limited to a mix ratio that will result in a VOC concentration in the fountain solution, excluding alcohol, equal to or less than 2.5% by volume.

c) Cleanup solution containing VOC shall meet the following criteria:
1. Cleanup solution as used at the press shall either:
   (i) not exceed 30% by weight VOC; or
   (ii) have a VOC composite partial pressure of 10 mmHg or less at 20^{o} C (68^{o}F).
2. Cleanup solution shall be kept in tightly covered containers during transport and storage; and
3. The used cleaning rags used in conjunction with the cleanup solution shall be placed, when not in use, in closed containers and collected for proper disposal or recycle.

d) Any person subject to 310 CMR 7.03~~(12)~~(15) shall maintain records sufficient to demonstrate compliance. Records kept to demonstrate compliance shall be kept on-site for three years and shall be made available to representatives of the Department upon request. Such records shall include, but are not limited to:
1. Identity, formulation (percent VOC by weight as determined by the manufacturer's formulation data or EPA Method 24 or 24A test), and quantity (gallons per calendar month) for each VOC-containing compound used at the facility, including, but not limited to:
   a. Alcohol;
   b. Makeup solvent;
   c. Fountain additives;
   d. Printing Ink;
   e. Cleanup solution; and
   f. Overprint coatings.
2. The percent by volume of alcohol in the fountain solution as measured each time alcohol or alcohol mix is added to the system but no less than once per day;
3. The volume percent of VOC-containing fountain additives other than alcohol in the fountain solution;
4. For fountain solutions subject to refrigeration requirements of 310 CMR 7.03~~(12)(b)~~ (15)(b), the temperature of the fountain solution, as recorded on a once per shift basis; and
5. Total VOC emissions (tons per calendar month) for all printing presses combined at the facility, as described in 310 CMR 7.03~~(12)(a)~~ (15)(a).

~~(13)~~ (16) Paint Spray Booths. ~~On or after July 1, 1992,~~ Construction, substantial construction or alteration of any paint spray booth complying with the following criteria:
(a) 1. Except as provided for 310 CMR 7.03(16)(a)2., this standard is applicable only where the total

facility, including the new or modified paint spray booth, will not have a total facility-wide usage rate of all VOC-containing compounds, including, but not limited to, coatings, thinners, reducers and cleanup solution, exceeding 670 gallons per calendar month. This usage includes all coating operations at the facility.

2. As an alternative determination of applicability, this standard is applicable only where the total facility, including the new or modified paint spray booth, will not have a facility-wide emission rate of VOC exceeding 2.5 tons per calendar month. This emission rate includes all coating operations at the facility.

(b) The coating operation shall be of a type described in 310 CMR 7.18, regardless of annual or potential emission applicability criteria contained in 310 CMR 7.18. These operations are:

7.18(3) Metal Furniture Surface Coating;
7.18(4) Metal Can Surface Coating;
7.18(5) Large Appliance Surface Coating;
7.18(6) Magnetic Wire Insulation Surface Coating;
7.18(7) Automobile Surface Coating;
7.18(10) Metal Coil Coating;
7.18(11) Surface Coating of Miscellaneous Metal Parts and Products;
7.18(21) Plastic Parts Surface Coating;
7.18(22) Leather Surface Coating;
7.18(23) Wood Products Surface Coating;
7.18(24) Flat Wood Paneling Surface Coating; and
7.18(28) Automotive Refinishing

Operations not listed in 310 CMR 7.03(16)(b) are not covered by this exemption and require either a Limited Plans Application (LPA) or Comprehensive Plans Application (CPA) as required by 310 CMR 7.02.

(c) Except as provided in 310 CMR 7.18(11)(a)1., all coatings used in the new or modified spray booth shall comply with the as-applied formulations contained in 310 CMR 7.18 *et seq*., for the spray coating of material described by the relevant subsection.

(d) Spray guns shall utilize one of the following methods of spray application and be maintained and operated in accordance with the recommendations of the manufacturer:

1. Electrostatic spray application; or
2. High Volume Low Pressure (HVLP) spray application.

(e) Each paint spray booth shall utilize two or more layers of dry fiber mat filter with a total thickness of at least two inches <u>or an equivalent system as determined in writing by the Department and</u> that achieves particulate control efficiency of at least 97% by weight. Filter material shall be disposed of in accordance with all applicable DEP regulations.

(f) Face velocity of air at filter shall not exceed 200 feet per minute.

(g) For surface preparation, prior to coating or cleaning of spray equipment, the VOC content of any preparation/cleanup solution shall not exceed 1.67 pounds per gallon. This requirement is not applicable to cleanup solutions which are re-used as thinners/reducers for coatings.

(h) Spray gun cleaning shall be performed inside a totally enclosed gun washer system and any used cleanup solution shall be recirculated or stored or disposed of in a manner which will minimize evaporation to the atmosphere. Proper storage shall be in a container with a tight fitting cover.

(i) The paint spray booth shall have a stack conforming to the following criteria:

1. The stack shall discharge vertically upwards;
2. The stack shall not have rain protection of a type that restricts the vertical exhaust flow;
3. The stack gas exit velocity shall be greater than 40 feet per second; and

4. The minimum stack exit height shall be 35 feet above the ground or ten feet above roof level.

(j) Emissions from stack shall have 0% opacity.

(k) Sufficient records shall be prepared and maintained to demonstrate compliance for each calendar month. Such records shall include, but are not limited to:

1. For each coating, as applied:
    a. Gallons of coating used;
    b. Coating density (Pounds per gallon);
    c. Pounds of VOC per gallon of coating;
    d. Pounds of solids per gallon of coating;
    e. Pounds of water per gallon of coating;
    f. Pounds of other non-VOC liquid per gallon of coating; and
    g. Pounds of VOC per gallon of solids as applied.
2. Gallons of exempt/non-compliance coatings used; and
3. Gallons of cleanup solution used and pounds VOC per gallon; and
4. Maintenance records of filter pad replacement and disposal.

(~~14~~) **(17) Groundwater/Soil Venting Systems.** ~~On or after July 1, 1992,~~ Construction, substantial reconstruction or alteration of any Contaminated Groundwater Treatment System (CGTS) or contaminated soil venting system complying with the following criteria:

(a) CGTS or contaminated soil venting systems shall be equipped and operated such that the system continuously reduces ~~Volatile Organic Compounds (VOC)~~ VOC in air effluent stream by at least 95% (by weight). Such systems include, but are not limited to, the following ~~systems~~:

1. CGTS followed by carbon adsorber, incinerator or equivalent air pollution control device; or
2. Contaminated soil venting followed by carbon adsorber, incinerator or equivalent air pollution control device.

(b) Systems shall be equipped and operated with the necessary procedures and instrumentation to assure operation in compliance with this standard including, but not limited to:

1. Interlock to prevent operation of the entire system without proper control device operation including, but not limited to, automatic shutoff if incinerator drops below normal operating temperature;
2. Inlet/outlet incinerator temperature indicators;
3. For a CGTS, flowmeter(s) indicating rate and total amount of groundwater being treated, if applicable; and
4. On-site regeneration of carbon or regularly scheduled replacement of carbon, if used.

(d) Sufficient records shall be prepared and maintained to demonstrate emissions compliance for each month. Records shall include, but are not limited to, the following, as applicable:

1. Once per month, measurement of water flow rate and total flow to date for the month;
2. For a CGTS, once per month measurement of inlet and effluent water VOC concentration;
3. Once per month, measurement of VOC concentration in air prior to control, and VOC concentrations after control;
4. Once per month, measurement of overall VOC reduction efficiency of the air pollution control system in percent by weight;
5. Maintenance records of the system;
6. Monthly operating hours of the system;

7. Once per month, measurement of incinerator outlet temperatures; and
8. Carbon regeneration/replacement records.

~~(15)~~(18) Fuel Cells ~~On or after August 1, 1995,~~Construction, substantial reconstruction or alteration of any fuel cell(s) complying with the following criteria:

(a) The emissions from the fuel cell will not exceed the following standards based upon a one hour averaging time:

1. NOx = 0.03 pounds per megawatt hour.
2. Carbon Monoxide = 0.05 pounds per megawatt hour.
3. Non methane organic compounds - 0.008 pounds per megawatt hour.

(b) Any person subject to 310 CMR 7.03(~~15)~~(18) shall keep records of monthly electric generation.

~~(16)~~ (19) Flexographic, Gravure, Letterpress, and Screen Printing. On and after May 1, 1998, construction, substantial reconstruction, or alteration of any flexographic, gravure, letterpress, or screen printing press at a facility not subject to 310 CMR 7.26(20) through (29), utilizing VOC-containing compounds, including, but not limited to, printing inks and overprint coatings, alcohol, makeup solvents, and cleanup solutions complying with the applicable performance standards in 310 CMR 7.26(25) and 310 CMR 7.26(26) and with the following criteria:

(a) 1. Except as provided in 310 CMR 7.03 ~~(16)(a)2~~. (19)(a)2., this standard is applicable only where the total facility, including the new or modified printing press, will not have a usage rate of all VOC-containing compounds, including , but not limited to, printing inks, overprint coatings, alcohol, makeup solvents, and cleaning solutions, exceeding 670 gallons per month. This usage rate shall include all VOC-containing compounds used in all printing and non-printing operations at the facility.

2. As an alternative determination of applicability, this standard is applicable only where the total facility, including the new or modified printing press, will not have a facility-wide emission rate of VOV exceeding 2.5 tons per calendar month. This emission rate shall include emissions from all printing and non-printing operation at the facility.

(b) Any person subject to 310 CMR 7.03 ~~(16)~~ (19) shall maintain records sufficient to demonstrate compliance. Such records shall include, but not limited to records demonstrating that cleanup solutions, inks coatings, and adhesives are in compliance with applicable standards set forth in 310 CMR 7.26(20) through (29) and that the usage rate or the emissions rate do not exceed the rates set forth in 310 CMR 7.03 ~~(16)(a)~~ (19)(a). Records kept to demonstrate compliance shall be kept on site for three years and shall be made available to representatives of the Department upon request.

~~(17)~~ **(20) Facilities Subject to 310 CMR 7.26(20) through (29**) Construction, substantial reconstruction, or alteration of any lithographic, flexographic, gravure, letterpress, or screen printing press at a facility subject to 310 CMR 7.26(20) through (29) and utilizing VOC-containing compounds, including, but not limited to, printing inks and overprint coatings, fountain additives, alcohol, makeup solvents, and cleanup solution, complying with the applicable performance standards set forth in 310 CMR 7.26(20) through (29).

It is proposed to amend 310 CMR 7.03 ***U Plan Approval Exemption: Construction Requirements*** *by adding the following sections:*

(21) Corona Surface Treatment Devices.

Construction, substantial reconstruction or alteration of any bare-roll or covered-roll corona surface treatment device equipped with a catalytic ozone decomposer designed to reduce ozone emissions by 99.9% or to an emission limit of 0.1 ppm at the catalytic device outlet.

(22) Conveyors, and Dry Material Storage (except Silos).

Construction, substantial reconstruction or alteration of equipment used exclusively to convey or store dry solid materials in an enclosed system or equipped with a fabric filter or equivalent particulate control device capable of maintaining 99.5% control efficiency for particulate emissions. In addition, said operation shall not generate any visible emissions and shall comply with provisions of 310 CMR 7.10 (noise). This standard is not applicable to conveyors and dry material storage associated with Standard Industrial Classification Code Major Group 1400 (Mining), Major Group 2900 (Petroleum and Coal products) and Major Group 3200 (Stone, Clay and Glass Products).

(23) Temporary Boilers.

Construction or installation of a temporary boiler at a facility where a boiler is no longer available for use. A boiler is considered unavailable for use if it has been shut down for repair or inspection or is no longer available or operating due to circumstances beyond the control of the person who owns or operates the facility. Temporary boilers must meet the following conditions:

(a) The temporary boiler must have a maximum heat input capacity less than or equal to the boiler it is replacing;

(b) The temporary boiler is installed for a period not to exceed 120 days; and

(c) The temporary boiler must use the same or lower sulfur content fuel as the boiler it is replacing,

The Department may grant an extension to operate the temporary boiler beyond 120 days. Such an extension shall be considered upon receiving a written request for an extension. Approval of an extension will be issued in writing.

(24) Welding

Construction, substantial reconstruction, alteration or operation of welding equipment provided that:

(a) The facility uses 10 tons or less of welding rod per year; and

(b) Each welding station is equipped with a ventilation system designed to vent fumes and particulate to a particulate collection device having a control efficiency of 90% or greater.

It is proposed to amend **310 CMR 7.04 Fossil Fuel Utilization Facilities** *by adding 310 CMR 7.04(2)(c) and (d) as follows:*

7.04: U Fossil Fuel Utilization Facilities

(2) Smoke Density Indicator.

(c) On or after July 1, 1999 any person owning or operating a fuel utilization facility with an energy input capacity equal to or greater than 10,000,000 Btu per hour but less than 40,000,000 Btu per hour is no longer required to install or maintain a smoke density sensing instrument and recorder even if required in a previous plan approval. Applicability is based on the size of an individual fuel utilization emission unit.

(d) Notwithstanding the requirements of 310 CMR 7.04(2)(a) and (c), a new or modified fuel utilization facility may be required to install instrumentation to monitor opacity should it be subject to New Source Performance Standards contained at 40 CFR Part 60, Subparts D, Da, Db or Dc.

It is proposed to amend **310 CMR 7.05 U Fuels All Districts** *by replacing the existing 310 CMR 7.05(1) through (6) with the following:*

7.05: U Fuels All Districts

(1) Sulfur Content of Fuels (except natural gas)

(a) Maximum Sulfur Content of Fuel

1. No person owning, leasing or controlling the operation of a fossil fuel utilization facility shall cause, suffer, allow or permit the burning therein of any fossil fuel having a sulfur content in excess of that listed in Table 1, except as provided in 310 CMR 7.05(1)(b) and 7.05(2).

TABLE 1
310 CMR 7.05(1)
Maximum Sulfur Content of Fuel

District/Area	Maximum Heat Release Potential (lb./MMBtu)	Approximate Sulfur Content Equivalent by Weight
Berkshire APCD	1.21	2.2 %
City of Worcester	0.55	1.0 %
Remainder of Central MAPCD*	0.55	1.0 %
City of Lawrence Towns of Andover , North Andover, and Methuen	0.55	1.0 %
Remainder of Merrimack Valley APCD*	1.21	2.2 %
Cities and Towns of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Everett, Malden, Medford, Newton, Somerville, Waltham, and Watertown**	0.28	0.5 %
Remainder of Metropolitan Boston APCD*	0.55	1.0 %
Pioneer Valley APCD*	0.55	1.0 %
Southeastern MAPCD*	0.55	1.0 %

* See exception at 310 CMR 7.05(b)1.

** See exception at 310 CMR 7.05(b)2.

2. No person owning, leasing or controlling the operation of a fossil fuel utilization facility shall cause, suffer, allow or permit the burning therein of any No. 2 (distillate) fuel oil having a sulfur content in excess of 0.17 pounds of sulfur per million Btu. heat release potential (approximately equal to 0.3% sulfur content fuel).

(b) Exceptions

1. Any person owning, leasing or controlling the operation of a fossil fuel utilization facility located in districts and portion of a district specified in 310 CMR 7.05(1)(a) and having an energy input capacity rated by the Department of 100,000,000 Btu per hour or greater, may cause, suffer, allow or permit the burning therein of any fossil fuel having a sulfur content up to 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2% sulfur content fuel oil) provided that:

a. An application has been made to the Department, in writing, to use such fuel including any information the Department may require;

b. The use of such fuel would not cause other applicable air pollution regulations to be violated;

c. The facility has available for conversion within six hours of notice from the Department, a three day supply of fuel with a lower sulfur content ,as specified by the Department, which shall be utilized during periods of adverse meteorological conditions when directed by the Department;

d. The use of such fuel has been approved in writing by the Department; and

e. The conditions of approval have been agreed to by the applicant in writing.

2. Any person owning, leasing or controlling the operation of an electric generating facility having an energy input capacity rated by the Department of 2.5 billion or greater Btu per hour and located in the cities and towns of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Everett, Malden, Medford, Newton, Somerville, Waltham, and Watertown, may cause, suffer, allow or permit the burning therein of any fossil fuel with a sulfur content up to 0.55 pounds per million Btu per hour heat release potential (approximately equivalent to 1% sulfur content fuel oil) provided that:

a. An application has been made to the Department in writing to use such fuel including any information as the Department may require;

b. The Department determines that the use of such fuel would not cause other applicable air pollution control regulations or ambient air quality standards to be violated;

c. The facility has available for conversion within three hours of any notice from the Department, a three day supply of fuel with a lower sulfur content, as specified by the Department, which shall be utilized during periods of adverse meteorological conditions when directed by the Department;

d. The use of such fuel has been approved in writing by the Department; and

e. The conditions of approval have been agreed to by the applicant in writing. Such conditions of approval may include the installation, operation and maintenance of ambient air monitoring equipment by the applicant in a manner specified by the Department.

3. 310 CMR 7.05(1)(a) shall not apply to facilities that have presented a plan whereby use of a higher sulfur fuel would cause no greater emissions of sulfur compounds into the ambient air than if lower sulfur content fuel were used. The plan must be approved by the Department, in writing, and any conditions attached to the Department's approval must be agreed to by the applicant, in writing.

4. Approval granted under the provisions of 310 CMR 7.05(1)(b) 1., 2. or 3.. may be revoked by the Department for cause or when in its opinion revocation is necessary to prevent or abate a condition of air pollution.

(2) Use of Residual Fuel Oil, Landfill Gas or Hazardous Waste Fuel. No person owning, leasing or controlling a fuel utilization facility rated by the Department as having an energy input capacity of less than or equal to 3,000,000 Btu per hour shall cause, suffer, allow or permit the burning of any residual fuel oil, landfill gas or hazardous waste fuel therein.

(3) Ash Content of Fuels (except natural gas)

(a). No person shall cause, suffer, allow or permit the burning in the Commonwealth of any solid or solid/liquid mixture fossil fuel containing an ash content in excess of four (4) percent by dry weight, except as provided in 310 CMR 7.05(4)(b) and (c).

(b) In CM, MV, and SM, fossil fuel utilization facilities having an energy input capacity rated by the Department of two hundred and fifty million (250,000,000) or greater Btu per hour, may burn solid or solid/liquid mixture fossil fuel with an ash content in excess of nine percent by dry weight, provided that:

1. An application is made to the Department in writing to use such fuel and any information as the Department may require is submitted;
2. The Department determines that the use of such fuel would not cause other applicable air pollution control regulations or ambient air quality standards to be violated; and
3. The use of such fuel has been approved, in writing, by the Department and the conditions of approval have been agreed to by the applicant, in writing. Such conditions of approval may include the installation, operation and maintenance of ambient air monitoring equipment by the applicant, in a manner specified by the Department.

(c) In MB, B and PV, all fossil fuel utilization facilities may burn solid or solid/liquid mixture fossil fuel with an ash content in excess of nine (9) percent by dry weight, provided that:

1. An application is made to the Department in writing to use such fuel and any information as the Department may require is submitted;
2. The Department determines that the use of such fuel would not cause other applicable air pollution control regulations or ambient air quality standards to be violated; and
3. The use of such fuel has been approved, in writing, by the Department and the conditions of approval have been agreed to by the applicant, in writing. Such conditions of approval may include the installation, operation and maintenance of ambient air monitoring equipment by the applicant, in a manner specified by the Department.

(4) Fuel Additives. No person owning, leasing or controlling a fuel utilization facility shall cause, suffer, allow or permit the use therein of any fuel additive except in accordance with the manufacturer's recommended specifications.

(5) Fuel Suppliers.

(a) No person shall ship or deliver in intrastate commerce to any person for burning or reshipment for burning, any fuels with a sulfur content in excess of those specified in 310 CMR 7.05(1)(a)1. or 7.05(1)(a)2. except that such shipment may be made provided when

1. use of such fuel has been approved by the Department in writing;
2. such approval has been verified by the shipper; and
3. record of such shipment will be retained for two years and the record shall be made

available to the Department for its review and inspection during customary business hours.

(b) Any person responsible for sale or distribution of residual fuel oils or wholesale distribution or wholesale marketing of distillate fuel oils or coal for burning or reshipment for burning, shall register with the Department on a form to be supplied by the Department.

(c) Any person supplying in intrastate commerce for burning or for reshipment for burning, fuel oil of a grade No. 2 or greater or coal shall keep and maintain records showing the quantities of the fuels handled and analyses showing the Btu value, sulfur content, nitrogen content (required only for residual fuel oils), viscosity, and ash content of said fuels and make such records available to the Department for its review and inspection during customary business hours.

(d) Any person supplying in intrastate commerce for burning, fuel oil of a grade No. 2 or greater or coal or gas shall submit a list of its customers using more than 30,000 gallons per year of fuel oil or more than 150 tons of coal or more than 4,000,000 cubic feet of gas by May 1 of each year covering the period of January 1 to December 31 of the previous year, and showing each customer's address, fuel type, sulfur content and monthly fuel amount.

(e) Any person supplying residual fuel oil in intrastate commerce shall provide certification of the nitrogen content of the oil to his customers. Acceptable test methods for determining nitrogen content of the oil are ASTM methods D3228 and D4629 or any other method approved by the Department and EPA.

(f) Shippers and distributors of fossil fuels shall provide evidence, to the satisfaction of customer-users, of the ash content of fuels supplied.

(6) All fuel analyses to be performed by or for distributors or users of fuels, for purposes of 310 CMR 7.00, shall be performed in such manner and reported in such units as are approved by the Department.

*It is proposed to amend **310 CMR 7.05(7)** by making the following changes:*

(7) No person owning, leasing or controlling the operation of a fossil fuel utilization facility shall cause, suffer, allow or permit the burning therein of any quantity, batch or lot of used oil fuel unless

(a) that quantity, batch or lot of used oil fuel was generated and mixed at the site of said fossil fuel utilization facility by the person owning, leasing or controlling the operation of said fossil fuel utilization facility in compliance with ~~310 CMR 30.200~~ 310 CMR 30.201, or

(b) both of the following requirements are met:

1. said quantity, batch or lot of used oil fuel was mixed in compliance with ~~310 CMR 30.200~~ 310 CMR 30.201, and

3. the person owning, leasing or controlling the operation of the fossil fuel utilization facility complied with 310 CMR 30.250.

It is proposed to amend ***310CMR 7.05(8) by making the following change:***

(8) 310 CMR 7.05(8) shall not apply to the burning of used oil fuel in a used oil fuel fired space heater provided that the requirements set forth in 310 CMR 7.04(9), 7.05(7)(a), and 30.250 are complied with.

It is proposed to delete ***310 CMR 7.05 (10) and (11)***

7.06: U Visible Emissions

It is proposed to amend **310 CMR 7.06(1) U Stationary Sources Other than Incinerators** *by adding a new section as follows.*

(c) Exception: In lieu of the requirements of 310 CMR 7.06(1)(a) and 310 CMR 7.06(1)(b), a facility subject to 310 CMR 7.00, Appendix C – Operating Permits with boilers rated less than 500 million BTU input capacity, may elect to comply with a visible emission limitation not to exceed 15 percent opacity. Compliance shall be determined by the procedures set forth in Method 9 as described in 40 CFR Part 60, Appendix A. To operate in accordance with this exception the facility must notify the Department in writing of such intention and develop and submit a plan of good operating practices. This plan shall describe practices for operating and maintaining the equipment to minimize emissions during soot blowing, startup, shutdown, burner change and malfunction. The plan shall also include corrective action procedures and shall be developed with recommendations from combustion systems experts. An exceedance of the visible emission limitation as allowed by this exception would not be deemed a violation provided the facility could demonstrate that it operates in accordance with the plan. The Department reserves the right to disallow a facility from operating pursuant to the exception or require modification to the good operating practices plan if, in the opinion of the Department, the plan is inadequate or a condition of air pollution exists. Any facility operating pursuant to this exception shall notify the Department within 24 hours or the next business day of any malfunction which causes an exceedance of the allowed visible emission requirement for greater than 15 minutes.

It is proposed to amend the title of **310 CMR 7.06(6***) to* **Non-Stationary Source Diesel Engines**

It is proposed to amend **310 CMR 7.12 U Inspection Certificate, Recordkeeping and Reporting** *by replacing the existing regulation with the following:*

7.12 U Source Registration

(1) Applicability

(a) Source Registration is required of any person owning, operating or controlling a facility if said facility:

1. Is or contains a fuel utilization facility with an energy input capacity equal to or greater than the following size thresholds:

Fuel Type	Maximum Energy Input Capacity (Btu/hour)
Natural Gas	10,000,000
Distillate Oil	10,000,000
Residual Oil	10,000,000
Solid Fuel	3,000,000
Used Oil Fuel	3,000,000
Landfill Gas	3,000,000;

2. Has non-combustion federal potential[5] to emit (facility-wide) equal to or greater than:

Contaminant	Threshold
Particulate Matter	2 tons per year
Oxides of Sulfur	2.5 tons per year
Organic Material	10 tons per year
Nitrogen Dioxide	4.4 tons per year
Lead	5 tons per year
Hazardous Air Pollutants	10 tons of any individual HAP 25 tons of total HAPs ;

3. Is or contains a hazardous waste incinerator, regardless of size;

4. Is or contains an incinerator with the capacity to reduce 50 pounds per hour or more of waste;

5. Is or contains an emission unit or process that is subject to a National Emission Standard for Hazardous Air Pollutants (NESHAP) or subject to a Maximum Achievable Control Technology (MACT) standard defined at 40 CFR Part 61 and Part 63, for which the Department has received delegation from EPA;

6. Is or contains a stationary reciprocating internal combustion engine (except for emergency or standby engines) with a maximum energy input capacity of 3 million Btu or greater (burning any fuel);

7. Is required to file Source Registration as a condition of a plan approval issued since January 1, 1990. Facilities required by a plan approval, issued prior to January 1, 1990, to submit annual source registration are no longer required to do so unless said facility meets one of the other conditions for registration in this section; or

8. Who receives a request for Source Registration from the Department.

[5] Non-combustion potential emissions excludes emissions from motor vehicle, incinerators or products of combustion from fuel utilization facilities.

(b) Any person owning, operating or controlling a facility that becomes subject to annual reporting by meeting one of the criteria in 310 CMR 7.12(1)(a) and that was not previously subject to Source Registration reporting shall contact the Department by January 31 to request Source Registration forms.

(c) Any person owning, operating , leasing or controlling a facility subject to 310 CMR 7.26 shall report emissions in a manner described by that regulation unless otherwise required to report pursuant to 310 CMR 7.12(a)8.

(2) Schedule

(a) By April 15 of each year, Source Registration shall be submitted to the Department by the person owning, operating or controlling:

1. A facility required to obtain an operating permit pursuant to 310 CMR 7.00, Appendix C;
2. A facility having an RES pursuant to 310 CMR 7.02(9);
3. A facility that elected to comply with a facility-wide emission cap pursuant to 310 CMR 7.02 (11)(e);
4. A facility with actual emissions of NOx or VOC equal to or greater than 25 tons per year;
5. A facility that emits an air contaminant subject to a NESHAP or a Maximum Achievable Control Technology (MACT) standard defined at 40 CFR Part 61 and Part 63, for which the Department has received delegation from EPA; and
6. A facility that is required, as a condition of a plan approval issued since January 1,1990, to file Source Registration annually.

(b) Source Registration shall be submitted to the Department once every three years where the facility is not subject to the annual reporting requirements of 310 CMR 7.12(2)(a). Source Registration shall be due to the Department by April 15 or another date approved by the Department.

(c) Any person who has requested Source Registration forms under 310 CMR 7.12(1)(b) shall complete and submit Source Registration by the date specified by the Department.

(d) Any person subject to reporting requirements of 310 CMR 7.26 shall report in accordance with the schedule required by that regulation.

(3) Source Registration Contents

(a) An owner or operator shall, if requested, provide information about the facility as is specified in forms obtained from the Department, including, but not limited to:

1. A complete description of the facility including a description of process and combustion equipment, a description of facility operating hours and operating schedule, a description of all raw materials and fuels used at the facility. Once a facility is subject to Source Registration, all emission units and processes at the facility must be included in the submittal even if, individually, certain emission units and processes may not meet the applicability thresholds of this regulation. Emission units identified as “insignificant” under 310 CMR 7.00, Appendix C (5)(l) need not be included.
2. Detailed emission estimates for all criteria and hazardous air pollutants emitted at the facility;
3. An Emission Statement summarizing and certifying actual annual emissions and peak ozone day emissions of volatile organic compounds and oxides of nitrogen;
4. A description of air pollution control equipment and control efficiencies of said equipment;

5. Calculations and assumptions used to support calculations of emissions such as annual fuel process rate, and peak ozone season daily process rate; and

6. Certification of accuracy to ensure that the information contained in the Source Registration is accurate and complete to the best knowledge of the individual signing the submittal pursuant to 310 CMR 7.01.

(b) Copies of Source Registration and other information supplied to the Department to comply with 310 CMR 7.12, shall be retained by the facility owner or operator for five years from the date of submittal.

(4) Verification and Availability of Information

(a) Upon receipt of the Source Registration, the Department may review the submitted information for accuracy and completeness. The Department may inspect a facility at any time for the purpose of verifying information contained in Source Registration.

(b) Information submitted pursuant to 310 CMR 7.12 shall be available to the public during normal working hours at locations as the Department may specify.

It is proposed to amend **310 CMR 7.18 U Volatile and Halogenated Organic Compounds** *by adding 310 CMR 7.18(1)(f).*

7.18: U Volatile and Halogenated Organic Compounds

(1) Applicability and Handling Requirements.

(f) Any person who, since January 1, 1990, obtains plan approval for an emission unit under 310 CMR 7.02 where said approval establishes BACT or LAER to be no less stringent than RACT for a facility size and type as defined in 310 CMR 7.18, shall comply with BACT or LAER as defined in the plan approval, and is not subject to RACT standards of this section as may otherwise be applicable.

It is proposed to amend **310 CMR 7.19: U Reasonably Available Control Technology (RACT) for Sources of Oxides of Nitrogen (NO_x), by adding 310 CMR 7.19(1)(c)9 as follows:**

7.19: U Reasonably Available Control Technology (RACT) for Sources of Oxides of Nitrogen (NO_x)

(1) Applicability.

(c) The requirements of 310 CMR 7.19 do not apply to:

9. Any person who, since January 1, 1990, obtains plan approval for an emission unit under 310 CMR 7.02 where said approval establishes BACT or LAER to be no less stringent than RACT for a facility size and type, as defined in 310 CMR 7.19 at the time of the plan approval.